

EXPRESS MAIL LABEL NO: EL 985 780 349 US
MAILING DATE: August 4, 2003

**REQUEST FOR FILING
CONTINUATION/DIVISIONAL APPLICATION**

Mail Stop Patent Application
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a X continuation ___ divisional application under 37 C.F.R. 1.53(b)(1), of pending prior application serial no. 09/638,668 filed on August 14, 2000, of Alan J. Polito, Richard M. Thayer, Robert K. DiNello, George H. Sierra, Dennis Nixon, Alan Phillips and Stuart Neubarth for METHOD AND APPARATUS FOR PERFORMING A LATERAL FLOW ASSAY.

1. X Enclosed is an application filed under 37 C.F.R. 1.53(b)(1). No new matter has been added.
2. X Applicant(s) claim(s) small entity status.
3. X The filing fee is calculated below:

A.	Basic Application Fee		\$750
B.	Total Claims 19 - 20 = 0	x \$18	0
C.	Independent Claims 5 - 3 = 2	x \$84	168
D.	If multiple claims present, add	\$280	0
E.	Total Application Fee (Total of A, B, C & D)	=	<u>918</u>
F.	If small entity status is claimed, reduce Total Application Fee by 50%		<u>459</u>
G.	Total Fee Due (E - F)	=	459

4. X The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.
5. X A check to cover the \$459 application fee is attached.

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6. X Cancel in this application original claims 1-97 of the prior application and add new claims 98-116 before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

7. X The inventor(s) of the invention being claimed in this application is (are): Alan J. Polito, Richard M. Thayer, Robert K. DiNello, George H. Sierra, Dennis Nixon, Alan Phillips and Stuart Neubarth.

8. This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.53(b)(1), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application: .

9. X Amend the specification by inserting before line 15 therefor:

Cross-Reference to Related Applications

This application is a continuation of U.S. Patent Application Serial No. 09/638,668, filed August 14, 2000, which is a continuation of U.S. Patent Application Serial No. 09/199,255, filed November 23, 1998 (now U.S. Patent No. 6,136,610), from which application priority is claimed pursuant to 35 U.S.C. § 120, and which applications are incorporated herein by reference in their entireties.

10. X The prior application is assigned of record to PRAXSYS BIOSYSTEMS, INC.

11. X A preliminary amendment is enclosed.

12. X Also enclosed: Blanket Petition for Extension of Time and Authorization to Charge or Credit Deposit Account, Declaration, Information Disclosure Statement, and return receipt postcard.

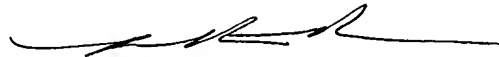
13. X The power appears in the original papers in the prior application.

14. X Address all future communications to Roberta L. Robins at:

X Customer No. 20855
ROBINS & PASTERNAK LLP
1731 Embarcadero Road, Suite 230
Palo Alto, CA 94303
Telephone: 650-493-3400
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8/4/03

(date)



Roberta L. Robins
Reg. No. 33,208

Address of signator:

- inventor(s)
 assignee of complete interest
 attorney or agent of record

X filed under § 1.34(a)

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Date of Deposit: August 4, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

POLITO et al.

Serial No.: CON of 09/638,668

Group Art Unit: Unassigned

Filing Date: On even date

Examiner: Unassigned

Title: METHOD AND APPARATUS FOR PERFORMING A LATERAL
FLOW ASSAY

**BLANKET PETITION FOR EXTENSION OF TIME AND
AUTHORIZATION TO CHARGE OR CREDIT DEPOSIT ACCOUNT**

Mail Stop Patent Application
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

If a paper is untimely filed in this application or any file wrapper continuation application derived therefrom by applicant(s) or her/his/their representative, the Commissioner is hereby petitioned under 37 C.F.R. § 1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 C.F.R. § 1.17(a)-(d) to Deposit Account No. 18-1648. This, however, is not authorization to pay the issue fee.

If a paper is concurrently or subsequently filed in this application or any file wrapper continuation application derived therefrom by applicant(s) or her/his/their representative and a fee under 37 C.F.R. §§ 1.16-1.17 is required to effect any amendment, petition or other action requested in said paper, the Commissioner is hereby requested to charge any deficiency in said fee, or credit any overpayment of said fee, to Deposit Account No. 18-1648. This, however, is not authorization to pay the issue fee.

Respectfully submitted,

Date:

8/4/03

By:



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